

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 1029

Introduced by Senator Ducheny

February 23, 2007

An act to add Section 116365.1 to the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1029, as amended, Ducheny. Drinking water standards.

Existing law, the Administrative Procedure Act, contains various provisions governing the conduct of administrative adjudication and rulemaking proceedings of state agencies. *The act requires, among other things, an agency seeking to adopt regulations to submit to the Office of Administrative Law, in addition to its proposed regulations, a file that includes certain information, including a financial estimate, prepared in accordance with instructions adopted by the Department of Finance and authorizes the department to review any estimate created pursuant to these instructions.*

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water, which are based upon specified criteria.

Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

This bill would require ~~the~~ *the Department of Finance , notwithstanding any other provision of law, to take no longer than 60 days to complete its documentation or estimate review, if required, in connection with*

any *proposed* regulation-adopted that is submitted by the department to the office in relation to the maximum contaminant levels for primary and secondary drinking water standards shall, notwithstanding any other provision of law, including the Administrative Procedure Act, become enforceable and take effect not later than 60 days from the date of its adoption by the department, subject to certain limitations.

This bill would also permit the State Department of Public Health to adopt by reference specified federal rules and regulations other than those relating to the maximum contaminant level of primary and secondary drinking water standards, in accordance with specified procedures.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that it is
2 essential for the protection of public health that primary and
3 secondary drinking water standards, as defined in subdivisions (c)
4 and (d) of Section 116275 of the Health and Safety Code, adopted
5 by the State Department of Public Health become effective and
6 enforceable, and are implemented by public water systems, by the
7 earliest feasible date after their adoption.

8 SEC. 2. Section 116365.1 is added to the Health and Safety
9 Code, to read:

10 116365.1. (a) (1) Notwithstanding any other provision of law
11 or regulation, including Chapter 3.5 (commencing with Section
12 11340) of Part 1 of Division 3 of Title 2, and Part 3 (commencing
13 with Section 13000) of the Government Code, and except as
14 ~~provided in subdivision (b), any regulation adopted by the~~
15 ~~department pursuant to this chapter related to primary and~~
16 ~~secondary drinking water standards, as defined in subdivisions (c)~~
17 ~~and (d) of Section 116275, shall become enforceable and take~~
18 ~~effect not later than 60 days from the date of adoption by the~~
19 ~~department.~~ *provided in subdivision (b), for any proposed*
20 *regulation that relates to the maximum contaminant levels for*
21 *primary and secondary drinking water standards, as defined in*
22 *subdivisions (c) and (d) of Section 116275, that is submitted by*
23 *the department to the Office of Administrative Law for review,*
24 *pursuant to Section 11349.1 of the Government Code, the*

1 *Department of Finance shall take no longer than 60 days to do*
2 *any of the following:*

3 *(A) Review any estimate pursuant to subdivision (c) of Section*
4 *11357 of the Government Code.*

5 *(B) Provide a letter or documentation, if required, pursuant to*
6 *Section 11349.1 of the Government Code.*

7 *(C) Complete any other function in connection with the adoption*
8 *of proposed regulations that relates to the maximum contaminant*
9 *levels for primary and secondary drinking water standards, as*
10 *required pursuant to any provision of Chapter 3.5 (commencing*
11 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
12 *Government Code.*

13 *(2) If the Department of Finance takes longer than 60 days to*
14 *complete any of the functions set forth in subparagraphs (A) to*
15 *(C), inclusive, of paragraph (1), the proposed regulations shall*
16 *be exempt from any provision of Chapter 3.5 (commencing with*
17 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
18 *Code that requires the involvement of the Department of Finance,*
19 *and the department and the Office of Administrative Law shall*
20 *proceed with all other applicable procedures in connection with*
21 *the adoption of proposed regulations.*

22 *(b) Subdivision (a) shall not apply to any regulation adopted by*
23 *the department that reduces, weakens, lessens, or otherwise*
24 *undermines any requirement established pursuant to this chapter*
25 *for the protection of public health.*

26 *(c) (1) The department may adopt by reference any rules and*
27 *regulations promulgated pursuant to the federal Safe Drinking*
28 *Water Act (42 U.S.C. Sec. 300f et seq.), other than those federal*
29 *rules and regulations that establish maximum contaminant levels*
30 *for primary and secondary drinking water standards.*

31 *(2) Each proposal to adopt by reference a federal rule or*
32 *regulation pursuant to this subdivision shall be made available to*
33 *the public for review and comment no later than 45 calendar days*
34 *prior to adoption.*

35 *(3) Rules and regulations adopted pursuant to this subdivision*
36 *shall not be subject to Chapter 3.5 (commencing with Section*
37 *11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

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